



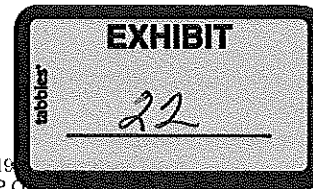
Housatonic Valley Association

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To: Paul Stacey, Hearing Officer
Connecticut Department of Environmental Protection (DEP)
From: Lynn Werner, Executive Director
Jenifer Gunther, Water Protection Manager
Re: Partial Comments of the Housatonic Valley Association on the Department of
Environmental Protection's Notice to Adopt Stream Flow Regulations (October 13, 2009)

Date: January 21, 2010

The Housatonic Valley Association (HVA) is a regional non-profit watershed conservation organization working since 1941 to conserve the natural character and environmental health of the entire tri-state, 1,948 square-mile watershed of the Housatonic River. HVA represents 3,500 members from more than 2,000 households in western Connecticut. We appreciate this opportunity to make the following comments on the proposed stream flow regulations. We also plan to submit additional written comments by the end of the public comment period.

- 1) **HVA commends the DEP for its excellent process over the last three and half years to comprehensively engage and incorporate expert stakeholder input in drafting these regulations.** Having served on the Commissioner's Advisory Committee to the development of these regulations, we believe that they reflect and balance multiple and diverse stakeholder perspectives.
- 2) **These regulations represent the only solid step forward in almost 40 years of public debate to begin to address Connecticut's serious water allocation issue.** The need to fix the state's piecemeal and uncoordinated approach to water management is not controversial, nor is new. This problem has been repeatedly recognized by the General Assembly since the 1970's culminating in 2001 when the legislature created the Water Planning Council calling on DEP, DPUC, DPH and OPM to reform all aspects of the state's water policy. In spite of years of work since then, the only concrete move forward happened in 2005 when the General Assembly asked DEP to develop stream flow regulations that set clear goals for our rivers and streams so they will continue to provide enough water for our communities, our economy and our environment. These regulations do that.
- 3) **As drafted, the regulations are generally good** because they are based on the best available science; largely responsive to stakeholder issues; flexible in recognizing that all rivers are not the same and deserve different management objectives; and designed to place human needs first in times of drought and other emergencies.
- 4) **The financial investment that these regulations may require in cases where there is an unreasonable downstream impact is a reasonable cost of doing business – especially one dependant on our public trust water resources – and an necessary investment in our future.** We believe that associated costs will be a relatively small percentage of the overall capital costs that water suppliers normally incur. We also recognize that water suppliers need sustainable business plans and sources of revenue. We would argue that these regulations create the very platform that we so sorely need in Connecticut to build – for the first time – a financially *and* ecologically sustainable

water supply system. In the long run, investments in demand management, leak and waste prevention and infrastructure to ensure that our water systems remain whole and healthy will ensure viable water supplies – and viable water suppliers. These regulations should not be derailed because of anticipated costs – costs that will only grow with every additional year and decade that we continue to delay.

- 5) **The regulations provide ample time for implementation. The 5-to -16 year implementation schedule anticipated by the regulations offers plenty of time and opportunity for site specific analysis and planning for infrastructure upgrades.** We would, however, support more flexibility for water suppliers by amending the regulations to provide a less costly method for site specific management plans, and/or a phasing in of costly infrastructure investments.
- 6) **We also note several serious deficiencies in the regulations which need improvement:**
 - *Flow impaired rivers should not be abandoned.* We would argue that the rivers most in need of our help – rivers that would largely receive a Class 4 designation under these regulations – should ultimately be restored. But the regulations as drafted appear to abandon them by providing no environmental protection standard for Class 4 rivers and no way of improving Class 4 conditions to a Class 3 status or better. We do not believe that this was the intent of the enabling legislation. DEP should amend the regulations to include an environmental standard for Class 4, and a goal and process for improving Class 4 conditions to Class 3, and Class 3 conditions to Class 2.
 - *The implementation timeframe may leave non-stocked streams unprotected as soon as the new regulations are adopted.* DEP should amend the regulations to reserve its ability to require water releases in the interim during classification in the event of unreasonable impairments to a river or stream.

We strongly support the adoption of regulations. We recognize that there are areas for improvement in these regulations. We look forward to DEP's improvements through this public comment process and we appreciate the opportunity to participate. **These regulations must move forward. They are crucial to sustaining both our consumable water supplies *and* the source of those water supplies – the irreplaceable rivers and streams that belong to us all.**